

Notice of Allowability

Application No.

10/671,988

Applicant(s)

FLETCHER, HENRY

Examiner

Khoa D. Huynh

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3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to examiner amendment filed on 11/29/04.
2. ☒ The allowed claim(s) is/are 1-5,7,9,11,13,14 and 24.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 11292004.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 09/26/03
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 11292004.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☒ Other Drawing Figure 1.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Arthur J. Behiel on 11/24/04 & 11/29/04.

The application has been amended as follows:

In the Abstract,

line 1: delete "Described a" and substitute --A--.

In the specification,

page 3, line 10: after "crest 140" insert --via a connecting portion 146--.

In claim 1,

line 13: after "second elevation" insert --, said second end forms a closed end of said body--,

line 19: after "base," insert --crest--,

line 28: delete "he" and substitute --the--,

line 29: delete "." (the period) and substitute --; and--,

after line 29: indent and insert --c. a handle connected to said body via a connecting portion extending upwardly, said handle having a proximal end extending from said connecting portion and protruding above and beyond the mouth and toward

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the user in a direction of the mouth, and having a distal end extending from said connecting portion opposite the direction of the mouth.--.

Claims 6, 8, 10, 12 and 15-23 have been cancelled.

In claim 7,

line 1: delete "6" and substitute --1--.

In claim 9,

line 1: delete "8" and substitute --1--.

In claim 11,

line 1: delete "10" and substitute --1--,

line 7: delete "facing" and substitute --faces--.

New claim 24 has been added as follow:

24. A urinal bottle positioned between a first leg and a second leg of a user and adapted to receive urine from the user, the urinal bottle comprising:
- a. a mouth positioned against the user;
 - b. a body coupled to the mouth and defining an interior cavity receiving the urine via the mouth, the interior cavity including:
 - i. a base;
 - ii. a first end proximate to the mouth and extending up from the base to a first elevation;
 - iii. a second end opposite the mouth and extending up from the base to a second elevation, said second end forms a closed end of said body;
 - iv. a crest extending from the first end at the first elevation to the second end at the second elevation; and
 - v. first and second sidewalls extending from the base to the crest;
 - vi. wherein the sidewalls, base, crest and ends form the body; and

vii. wherein the interior cavity has:

- (1) a first cross-section proximate to the first end and having a first area; and
- (2) a second cross-section proximate to the second end and having a second area less than the first area such that the mouth, when the bottle is positioned between the first and second legs, is urged against the user.

c. a handle connected to the bottle and having a distal end extending away from the user in a direction away from the mouth;

wherein the base intersects the second end at at least two points of intersection, and wherein the distal end of the handle and the two points form a stable second base when the bottle is positioned with the distal end of the handle and the at least two points against a horizontal surface such that the mouth faces upward from the surface.

2. Claims 1-5, 7, 9, 11, 13, 14 and 24 are allowed over the prior art of record.

3. The following changes to the drawings have been approved by the examiner and agreed upon by applicant: include reference sign 146 in Figure 1 to indicate the connecting portion. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

4. The following is an examiner's statement of reasons for allowance: none of the cited prior teaches a urinal bottle positioned between a user's legs having, in conjunction with other limitations, a handle including a proximal end extending from said connecting portion and protruding above and beyond the mouth and toward the user in a direction of the mouth, and having a distal end extending from said connecting portion opposite the direction of the mouth or a handle having a distal end and a base

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intersects a second end of the body at at least two points of intersection, and wherein the distal end of the handle and the two points form a stable second base when the bottle is positioned with the distal end of the handle and the at least two points against a horizontal surface such that the mouth faces upward from the surface.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khoa D. Huynh whose telephone number is (571) 272-4888. The examiner can normally be reached on M-F (7:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on (571) 272-4887. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Khoa D. Huynh', with a horizontal line drawn underneath it.

Khoa D. Huynh
Patent Examiner
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HK

11/29/2004